

DRAFT:DFM: cmw (typed 11 September 1975)

Mr. James M. Frey
Assistant Director for Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

This is in response to your request for the views of the Central Intelligence Agency on S. 205. This bill would require every Federal agency to fully and currently inform each congressional standing committee on all matters relating to the agency within the jurisdiction of that committee. A related requirement in the bill is that Federal agencies "furnish any information requested by any such standing committee with respect to the activities or responsibilities of that Agency within the jurisdiction of that committee."

We appropriate committees of

The Central Intelligence Agency provides both substantive intelligence and operational information to the Congress. When requested by ^{individual members or} committees, ~~or individual members~~, we provide substantive briefings on foreign developments ~~on matters within the jurisdiction~~. Thus far in 1975, for example, we have briefed committees or members on over 65 separate occasions, thus meeting every request. Congress has an important role in the formulation of our nation's foreign policy, and I believe CIA should help provide the foreign intelligence which will enable ^{the} Congress to effectively fulfill its responsibilities.

Although we are periodically asked by various committees for operational information, reports on these matters, pursuant to long-established procedures of the Congress, are provided only to our oversight committees. The only exception is information on non-intelligence gathering activities, ^{Section 662 of} which, pursuant to the Foreign Assistance Act of 1974 (P.L. 93-559), are reported to a total of six committees. We keep our oversight committees (the Armed Services and Appropriations Committees of both Houses) fully and currently informed regarding all our programs and activities, and we respond to their requests for information. I believe this practice enables these committees to beneficially exercise their responsibilities of exercising

legislative oversight and appropriating funds. We would not object to a statutory directive to keep these committees fully and currently informed and to respond to their requests for information; such a requirement would merely comport to our present practice.

S. 205, however, is not so narrowly phrased. Rather, the bill states that agencies must keep each standing committee fully and currently informed "with respect to all matters relating to that agency which are within the jurisdiction of such committee." I believe this language would lend itself to jurisdictional claims from diverse committees. In the case of an Agency like CIA with broad areas of expertise and diversified activities, this language could be cited by a large number of committees to require CIA to keep them fully and currently informed on a portion of our activities. This could result in the dissemination of extremely sensitive information to numerous committees. Recent experience with the Congress shows clearly that the wider and more uncontrolled the access to sensitive information, the greater the risk of inadvertent or purposeful disclosure.

Moreover, the Senate and House Select Committees on Intelligence are expecting to consider and make recommendations regarding the question of congressional oversight of CIA. I believe any change in our relations with the Congress should await the recommendations of those groups.

We at CIA are attempting to maintain a spirit of trust and cooperation with those in Congress who oversee our activities. Such a spirit can only be sustained if the Agency is not embroiled in competing claims of jurisdiction, and if committees with access to sensitive CIA information protect it. I am genuinely concerned that enactment of S. 205 will exacerbate our relations with the Congress, and I therefore oppose its enactment in its present form.

Sincerely,

Legislative Counsel

FOIAB5

OGC

25X1A

Mr. James M. Frey
Assistant Director for Legisla